



Legislation Text

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**File #:** Res 1157-2011, **Version:** \*

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Res. No. 1157

Resolution in support of S.5876-A/A.8558-A, which would amend the Penal Law by creating the felony crime of forcible touching against a child.

By Council Members Vallone, Cabrera, Ferreras, Fidler, James, Koppell, Nelson, Recchia, and Halloran

Whereas, On August 9, 2011, while visiting her local library in Astoria, Queens, a seven year-old girl was approached by a man who allegedly proceeded to grab her feet, sniff them, rub them against his beard, and kiss them; and

Whereas, The man left the scene while the girl ran to look for her mother; and

Whereas, Such incident highlights just how vulnerable children can be; and

Whereas, Children must be protected from sex predators; and

Whereas, Under the current law, an individual who forcibly touches a child may be charged with the crime of forcible touching, an A misdemeanor, which results in a fine not to exceed \$1,000 and the possibility of up to one year in jail; and

Whereas, Unlike the crime of forcible touching, other sections of the Penal Law consider a child victim to be an aggravating factor and therefore punish those who harm children more severely; and

Whereas, In order to increase the penalties for anyone who forcibly touches a child, S.5876-A/A.8558.A, introduced by Senator Michael Gianaris and Assembly Member Aravella Simotas, respectively, would amend the Penal Law by creating the felony crime of forcible touching against a child; and

Whereas, Forcible touching against a child, a class E felony, would occur when an individual, intentionally and for no legitimate purposes, forcibly touches the sexual or other intimate parts of a child who is less than thirteen years old, for the purposes of degrading or abusing such child, or for sexual gratification; or

when an individual intentionally and forcibly touches any part of a child less than 13 years old for sexual gratification purposes; and

Whereas, S.5876-A/A.8558-A would define forcible touching as including, but not limited to, squeezing, grabbing or pinching; and

Whereas, The penalty for a class E felony is a maximum prison term of 4 years; and

Whereas, New York State should protect its children to the fullest extent possible by increasing the penalties against those who forcibly touch them; now, therefore, be it

Resolved, That the Council of the City of New York supports S.5876-A/A.8558-A, which would amend the Penal Law by creating the felony crime of forcible touching against a child.

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LS# 2812